

REMARKS

Applicant respectfully requests reconsideration of this application. No claims have been canceled. Claims 1, 4, 7-10, 23-25, 28 and 31 have been amended to more properly define preexisting claim limitations and are supported by the specification.

The specification has been amended to correct typographical errors. No new matter has been added.

Claim Objections

Claim 10 was objected to because of informalities. Applicant respectfully submits that claim 10, as amended, overcomes the objection and respectfully requests the objection to claim 10 be withdrawn.

Claims 28, 29, 31, 32, and 33 were objected to because of informalities. Applicant respectfully submits that the amendment to claim 28 overcomes the objection and respectfully requests the objection to claims 28, 29, 31, and 33 be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1-4 and 6-7 were rejected under 35 U.S.C § 102(b) as being anticipated by Computer Networks, by Larry L. Peterson and Bruce S. Davie (Peterson et al.).

Peterson discloses methods of transferring data across a network using the Internet Protocol (IP) packets. Peterson further discloses a key part of the IP service mode is the type of packets that can be carried. The IP datagram, like most packets, consists of a header followed by a number of bytes of data. (See Peterson, page 251)

Applicant respectfully submits that Peterson does not disclose each and every element as claimed. Specifically, Applicant respectfully submits that Peterson does not disclose “storing said one or more blocks of program code and said associated headers in a non-volatile memory,” as recited as claim 1. Rather, Peterson only appends a header to the data to transmit the data across the network. For example, the header in Peterson includes a destination address field and a source address field that are both used to transmit data across the Internet (see Peterson, pages 251-256). However, upon reaching its destination, the header is removed from the data. This is not the same as “storing said one or more blocks of program code and said associated headers in a non-volatile memory,” as claimed.

Accordingly, Applicant respectfully submits that Peterson does not disclose each and every element as recited in claim 1. Claims 2-4 and 6-7 are dependent (directly or indirectly) on claim 1 and therefore are patentable at least for the reasons stated above for claim 1. Therefore, Applicant respectfully requests the rejection to claims 1-4 and 6-7 under 35 USC §102(b) be withdrawn.

Claims 19-20, 22, 26 and 28-29 were rejected under 35 U.S.C § 102(e) as being anticipated by Landau, (U.S. No. 6,549,980) hereinafter Landau.

Landau discloses a manufacturing process that extracts a master image 40 from one disk of the reference disk pair. For example, the master image 40 can be taken from disk 32 of the disk pair 30. The master image is stored for later use during the manufacturing process. The manufacturing process further performs a difference comparison 42 of partitions of a target disk of the reference disk pair against the master image and obtains a collection of differences 44. For example, performing the difference comparison and obtaining the collection of differences includes extracting locations and contents of blocks that are different between the disks of the reference pair. (See Landau, column 3, lines 9-20).

Applicant respectfully submits that Landau does not disclose each and every element as recited in claim 19. Specifically, Applicant submits that Landau does not disclose “maintaining a program code map” and “using said program code map to facilitate modifications to said program code” as claimed. The program code map claims “how program code is allocated among a plurality of non-volatile memory blocks on a data processing device.” As such, patches and application upgrades, for example, may be performed by transmitting only those portions of program code which need to be added to the application along with an indication of where they should be added. The difference file, as disclosed in Landau, is not the same as the program code map as claimed, but rather only indicates a collection of differences including extracting locations and contents blocks that are different between the disks of the referenced pairs. The differences file, as disclosed in Landau, appears to provide RAID 1 type data redundancy wherein block sizes on disks to be mirrored are slightly different. (See Landau, column 2, lines 32-62). Accordingly, Applicant respectfully submits that the difference file in Landau is not the same as the program code map as recited in claim 19.

Regarding claim 26, Applicant respectfully submits that Landau does not disclose a server to transmit program code to a data processing device and *to continually monitor* (1) which program code is stored on said data processing device and (2) specific areas in a memory space in which said program code is stored on said data processing device, and to transfer additional program code to said data processing device along with storage location data indicating wherein said memory of said additional program code should be stored, as claimed. Specifically, Applicant submits that Landau does not disclose a server to continually monitor as claimed. Rather, Landau, in the sections cited by the Office Action, simply performs a comparison of two disks and writes a master image and repairs images on the target disks. This is not the same as a server to continually monitor as recited in claim 26.

Accordingly, Applicant respectfully submits that Landau does not disclose each and every element as recited in claims 19 and 26. Claims 20, 22 and 28-29 are dependent (directly or indirectly) on one of the claims 19 and 26. Therefore, Applicant respectfully requests the rejection to claims 19-20, 22, 26 and 28-29 under 35 USC §102(e) be withdrawn.

35 U.S.C. § 103 Rejections

Claims 5, 8-18 and 23-25 were rejected under 35 U.S.C § 103(a) as being unpatentable over Computer Networks, by Larry L. Peterson and Bruce S. Davie in view of Landau.

As articulated above, claim 1 is patentable over Peterson. Landau fails to cure the deficiency of Peterson including the failure to teach “storing said one or more blocks of program code and said associated headers in a non-volatile memory”, as recited in claim 1. Claims 5, 8, and 9 are dependent on claim 1 and are patentable because the combination does not disclose or suggest each and every element, at least for the reasons stated above for claim 1.

Regarding claims 23-25, as articulated above, claim 19 is patentable over Landau. Peterson fails to cure the deficiency of Landau including the failure to teach the program code map as claimed. Claims 23-25 are dependent on claim 19 and are patentable because the combination does not disclose or suggest each and every element, at least for the reasons stated above for claim 19. Claims 10-18 include elements or elements similar to those recited in claim 19 and therefore are patentable at least for the reasons stated above for claim 19 including the combination does not teach or suggest the construction of a map as claimed.

Accordingly, Applicant respectfully submits that the combination does not disclose or suggest each and every element as recited in claims 5, 8-18, 23-25. Therefore, Applicants respectfully request the rejection to claims 5, 8-18, 23-25 under 35 USC §103(a) be withdrawn.

Claims 21, 27 and 30-33 were rejected under 35 U.S.C § 103(a) as being unpatentable over Landau, in view of Computer Networks, by Larry L. Peterson and Bruce S. Davie.

As articulated above, claims 19 and 26 are patentable over the combination of Landau and Peterson. Claims 21, 27 and 30-33 are dependent on one of the claims 19 and 26. Accordingly, Applicant respectfully submits that the combination does not disclose or suggest each and every element as recited in claims 21, 27 and 30-33, at least for the reasons above for claims 19 and 26. Therefore, Applicant respectfully requests the rejections to claims 21, 27 and 30-33 under 35 USC §103(a) be withdrawn.

CONCLUSION

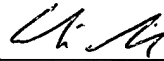
Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666
for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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André Gibbs

Reg. No. 47,593

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300